

REMARKS

This application has been carefully reviewed in light of the Office Action dated February 7, 2006. Claims 17, 25 to 28, 30, 42 to 46, 76, 84 to 87, 89, 101 to 105, 135, 143 to 146, 148, 160 to 164 and 178 to 183 remain pending in the application, of which Claims 17, 30, 76, 89, 135 and 148 are independent. Reconsideration and further examination are respectfully requested.

Claims 17, 18, 25 to 28, 30, 31, 38, 42 to 46, 48 to 56, 76, 77, 84 to 87, 89, 90, 97, 101 to 105, 107 to 115, 135, 136, 143 to 146, 148, 149, 156, 160 to 164 and 178 to 183 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,205,477 (Johnson). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention concerns determining which one of a plurality of information distribution servers that a client should access based on collected network state information. According to the invention, when the client accesses a first information distribution server from among a plurality of servers, a determination is made which one of the plurality of information distribution servers the client should access in accordance with the first access request based on the collected network state information. Additionally, a determination is made which one of the servers the client should access in accordance with a second access request based on network state information collected between the first and second access requests. The client is then informed of the determination. Thus, if the network state changes between access requests by the client, the client can be informed of the most desirable server to access in order to obtain the requested information.

Referring specifically to the claims, amended independent Claim 17 is a server determination apparatus, comprising receiving means for receiving an inquiry from a first one of a plurality of information distribution servers, collection means for collecting

network state information between a client and each of the plurality of information distribution servers, server determination means for determining, based on a logical distance between the client and each of the plurality of information distribution servers, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with a first access from the client, and based on the network state information collected by the collecting means between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with the second access from the client, and informing means for informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Amended independent Claims 48, 76, 107 and 135 are system, method, system control method, and computer program claims, respectively, that substantially correspond to Claim 17.

Amended independent Claim 30 includes features along the lines of Claim 17, but is more specifically directed to a server determination apparatus, comprising receiving means for receiving an inquiry from a first information distribution server, collection means for collecting state information of each of a plurality of information distribution servers, server determination means for determining, based on a logical distance between a client and each of the plurality of information distribution servers, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with a first access from the client, and based on the state information

collected by said collecting means between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers in accordance with the second access from the client, and informing means for informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

Amended independent Claims 52, 89, 111 and 148 are system, method, system control method, and computer program claims, respectively, that substantially correspond to Claim 30.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 17, 30, 48, 52, 76, 89, 107, 111, 135 and 148. More particularly, the applied art is not seen to disclose or to suggest at least the feature of a server determining, based on a logical distance between a client and each of a plurality of information distribution servers, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers, in accordance with a first access from the client, and based on the state information collected between the first access and a second access from the client, which one of the plurality of information distribution servers should be accessed by the client which has accessed the first one of the plurality of the information distribution servers in accordance with the second access from the client, and informing the first information distribution server of the determined one of the plurality of information distribution servers that the client should access.

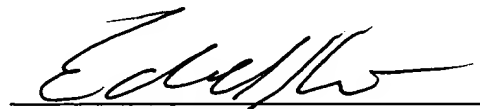
Johnson merely discloses that a client submits a domain name to a DNS server, where the DNS server in turn selects a server from among a plurality of servers that

the client should access based on a portion metric (i.e., a portion of total server requests that are to be allocated to one of a plurality of servers). The DNS server then provides an IP address of the selected server to the client so the client can then access the server corresponding to the IP address. Thus, while the DNS server of Johnson may select a server that a client is to access, the server is not selected based on a logical distance between the client and each of a plurality of information distribution servers, nor is it based on the state information collected between a first access and a second access from the client. Rather, the server in Johnson is selected based on the portion metric assigned to the servers and how many requests each server has processed. Accordingly, Johnson is not seen to disclose or to suggest the features of the present invention.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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